

Panaji, 28th February, 1991 (Phalgun 9, 1912)

SERIES I No. 48

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Notification

1/11/84-PER.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the posts, the Governor of Goa hereby makes the following rules relating to recruitment to the Goa General Service, Group 'A' Gazetted post in the Goa Government Secretariat, namely: —

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Goa Government Secretariat, Group 'A' Gazetted post, Recruitment Rules, 1991.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. Disqualification. — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax. — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving. — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/II/13/42 (5)/89 dated 7-12-1990.

By order and in the name of the Governor of Goa.

Smt. *Prabha Chandran*, Under Secretary (Personnel).

Panaji, 17th January, 1991.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules 1972	Educational and other qualifications required for direct recruits	Whether age & educational Qualifications prescribed for the direct recruits will apply in the case of promotedees	Period of probation if any	Method of recruitment whether by direct recruitment or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If A.D. P. C exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment	
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13	
Law Secretary (1990)	1	Goa General Service Group 'A' Gazetted	Rs. 4500- -150- -5700	N. A.	Not Applicable	No	Not Applicable	Age: No Qualification: — No	Not Applicable	Transfer / deputation	Transfer / Deputation:	Not Applicable.	As required under the G. P. S. C. (Exemption from Consultation) Regulations 1988. Consultation with the G. P. S. C. necessary while selecting an officer for appointment on deputation and amending/relaxing any of the provisions of these Rules.	
											A) District Judge of the Goa Judicial Service, or b) Officers in the scale of Rs. 3000 — Rs. 4500/- with 5 years of regular service in the grade. B) Possessing degree in law and having experience in drafting or interpretation of law for a period not less than 10 years. (Period of deputation, including period of deputation in another ex-cadre post held immediately in the same or some other organisation/department of the Central / State Government shall not exceed 3 years).			

Notification

1/24/87-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules relating to recruitment to the Goa General Service, Group 'D', Non-Ministerial, Non-Gazetted post in the Government Polytechnic, Government of Goa, namely :—

1. Short title, application and commencement.—

(1) These rules may be called the Government of Goa, Government Polytechnic, Group 'D', Non-Ministerial, Non-Gazetted post, Recruitment Rules, 1991.

(2) **Application.**— These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay.— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in Columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications.— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. Disqualification.— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax.— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving.— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

Smt *Prabha Chandran*, Under Secretary (Personnel).

Panaji, 25th February, 1991.

SCHEDULE												
No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether the benefit of the added years of service is admissible under Rule 30 of CCS (Pension) Rules 1972	Period of probation if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer/contract, and percentage of the vacancies to be filled by various methods	Name of the post	Name of Konkani and/or Marathi.	Desirable: Knowledge of Konkani and/or Marathi.	Promotion: Group 'D' D.P.C.
1	2	3	4	5	6	7	8	9	10	11	12	13
Gestetner Operator (1990)	Group 'D' (Non-variety)	Rs. 800/- -15- -1010- -HB-20- -1150	Selection	Not exceeding 35 years (Relaxable for Government servants in accordance with the instructions or orders issued by the Government dependent on workload)	N. A.	Essential: i) VIII Std. of English or equivalent. ii) Knowledge of operating Gestetner Machine.	Age: No Edu. Qualifications to the extent indicated under Col. 11	N. A.	Age: No Edu. Qualifications to the extent indicated under Col. 11	N. A.	N. A.	N. A.

Service Commission
which Goa Public
Recruitment Committee
is to be constituted
in marking
recruitment

If a D.P.C. exists,
what is its com-

and having ade-
quate knowledge
of duplicating
machine.

Legislature Department

LA/B/3168/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 22-2-91 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 25th January, 1991.

The Goa Regulation of Employment and Conditions of Service of Migrant Workmen Bill, 1991

(Bill No. I of 1991)

A

BILL

to regulate the employment of migrant workmen and to provide for their conditions of service and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa in the Forty Second Year of the Republic of India as follows:

1. *Short title and commencement.* — (1) This Act may be called the Goa Regulation of Employment and Conditions of Service of Migrant Workmen Act, 1991.

(2) It shall come into force at once.

2. *Definitions.* — In this Act, unless the context otherwise requires,—

(a) "Contractor", in relation to an establishment, means a person who undertakes (whether as an independent contractor, agent, employee or otherwise) to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment, by the employment of workmen or to supply workmen to the establishment, and includes a sub-contractor, agent or any other person by whatever name called, who recruits or employs workmen;

(b) "establishment" means place where any industry, trade, business, manufacture or occupation is carried on;

(c) "Government" means the Government of Goa;

(d) "migrant workmen" means any person from outside the State of Goa who is recruited by or through a contractor under an agreement or other arrangement for employment in an establishment in Goa whether with or without the knowledge of the principal employer.

(e) "prescribed" means prescribed by rules made under this Act;

(f) "principal employer" means any person responsible for the supervision and control of the establishment;

(g) "recruitment" includes entering into any agreement or other arrangement for recruitment

and all its grammatical variations and cognate expressions shall be construed accordingly;

(h) "wages" shall have the meaning assigned to it in clause (vi) of section 2 of the Payment of Wages Act, 1936;

(i) "workman" means any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward whether the terms of employment be express or implied, but does not include any such person—

(i) who is employed mainly in a managerial or administrative capacity; or

(ii) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem, or exercise, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of managerial nature.

3. *Appointment of registering officers.* — The Government may by order notified in the Official Gazette, —

(a) appoint such person, being officers of Government, as he thinks fit to be registering officers for the purposes of this Act; and

(b) define the limits, within which a registering officer shall exercise the powers conferred on him by or under this Act.

4. *Registration of Establishment.* — (1) Every principal employer of an establishment to which this Act applies shall within such period as the Government may, by notification in the Official Gazette, fix in this behalf make an application to the registering officer, in such form and manner and on payment of such fees as may be prescribed, for the registration of the establishment:

Provided that the registering officer may entertain any such application for registration after the expiry of the period fixed in that behalf, if the registering officer is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) Within one month after the receipt of an application for registration under sub-section (1), the registering officer shall,—

(a) if the application is complete in all respects, register the establishment and issue to the principal employer of the establishment a certificate of registration in the prescribed form; and

(b) if the application is not so complete, return the application to the principal employer of the establishment.

(3) Where within a period of one month after the receipt of an application for registration of an establishment under sub-section (1), the registering officer does not grant under clause (a) of sub-section (2) the certificate of registration applied for and does not return the application under clause (b) of that sub-section, the registering officer shall, within fifteen days of the receipt of an application in this behalf, from the principal employer, register

the establishment and issue to the principal employer a certificate of registration in the prescribed form.

5. Revocation of registration in certain cases.—If the registering officer is satisfied either on a reference made to him in this behalf or otherwise that the registration of any establishment has been obtained by misrepresentation or suppression of any material fact or that for any other reason, the registration has become useless or ineffective and, therefore, requires to be revoked, the registering officer may, after giving an opportunity to the principal employer of the establishment to be heard and with the previous approval of the Government, revoke by order in writing the registration and communicate the order to the principal employer:

Provided that where the registering officer considers it necessary so to do for any special reasons, he may, pending such revocation, by order suspend the operation of the certificate of registration for such period as may be specified in the order and serve, by registered post, such order along with a statement of the reasons on the principal employer and such order shall take effect on the date on which such service is effected.

6. Prohibition against employment of migrant workmen without registration.—No principal employer of an establishment to which this Act applies shall employ migrant workmen in the establishment unless a certificate of registration in respect of such establishment issued under this Act is in force:

Provided that nothing in this section shall apply to any establishment in respect of which an application for registration made within the period fixed whether originally or on extension under sub-section (1) of section 4 is pending before a registering officer and for the purpose of this proviso, an application to which the provisions of sub-section (3) of Section 4 apply shall be deemed to be pending before the registering officer concerned till the certificate of registration is issued in accordance with the provisions of that sub-section.

7. Appointment of licensing officer.—The Government may by order notified in the Official Gazette,—

(a) appoint such persons, being officers of Government as it thinks fit to be licensing officers for the purposes of this Chapter, and

(b) define the limits, within which a licensing officer shall exercise the jurisdiction and powers conferred on licensing officers by or under this Act.

8. Licensing of contractors.—(1) With effect from such date as the Government may, by notification in the Official Gazette, appoint, no contractor to whom this Act applies shall recruit any person from outside the State of Goa except under and in accordance with a licence issued in that behalf.

(2) Subject to the provisions of this Act, a licence under sub-section (1) may contain such conditions including, in particular, the terms and conditions of the agreement or other arrangement under which the workman will be recruited, the remuneration payable, hours of work, fixation of wages and other

essential amenities including accommodation, water supply and toilet facilities in respect of the migrant workman as the Government may deem fit to force in accordance with the rules made in that behalf and shall be issued on payment of such fees as may be prescribed:

Provided that if for any special reasons, the licensing officer is satisfied that it is necessary to require any person who has applied for, or who has been issued, a licence to furnish any security for the due performance of the condition of the licence, he may, after communicating such reasons to such person and giving him an opportunity to represent his case, determine in accordance with the rules made in this behalf the security which shall be furnished by such person for obtaining or as the case may be, for continuing to hold the licence.

(3) The security which may be required to be furnished under the proviso to sub-section (2) shall be reasonable and the rules for the purposes of the said proviso shall, on the basis of the number of the workmen employed, the wages payable to them, the facilities which shall be afforded to them and other relevant factors provide for the norms with reference to which such security may be determined.

9. Grant of licences.—(1) Every application for the grant of a licence under sub-section (1) of Section 8 shall be made in the prescribed form and shall contain the particulars regarding the location of the establishment, the nature of process, operation or work for which migrant workmen are to be employed and such other particulars as may be prescribed.

(2) The licensing officer may make such investigation in respect of the application received under sub-section (1) and in making any such investigation, the licensing officer shall follow such procedure as may be prescribed.

(3) A licence granted under Section 8, shall be valid for the period specified therein and may be renewed from time to time for such period and on payment of such fees and on such conditions as may be prescribed.

10. Revocation, suspension and amendment of licences.—(1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

(a) a licence granted under section 8 has been obtained by misrepresentation or suppression of any material fact, or

(b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the licence, may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity to be heard, by order in writing, revoke the licence or forfeit the security furnished by him under the proviso to sub-section (2) of Section 8 or any part thereof and communicate the order to the holder of the licence:

Provided that where the licensing officer considers it necessary so to do for any special reasons,

he may, pending such revocation or forfeiture, by order, suspend the operation of the licence for such period as may be specified in the order and serve by registered post, such order along with a statement of the reasons on the holder of the licence and such order shall take effect on the date on which such service is effected.

(2) Subject to any rules that may be made in this behalf the licensing officer may vary or amend a licence granted under Section 8.

11. Appeal. — (1) Any person aggrieved by an order made under Section 4, Section 5, Section 8 or Section 10 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to an appellate officer who shall be a person nominated in this behalf by the Government:

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate officer shall after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

12. Duties of contractors. — (1) It shall be the duty of every contractor —

(a) to furnish such particulars and in such form as may be prescribed, to the specified authority about the migrant workman within fifteen days from the date of recruitment or as a case may be the date of employment, and where any change occurs in any of the particulars so furnished, such change shall be notified to the specified authorities.

(b) to issue every migrant workman, a pass-book affixed with a passport size photograph for the workman and indicating in Hindi and English languages and where the language of the workman is not Hindi or English also in the language of the workman. —

(i) the name and place of the establishment wherein workman is employed;

(ii) the period of the employment;

(iii) the proposed rates and modes of payment of wages;

(iv) the return fare payable to the workman on the expiry of the period of his employment and in such contingencies as may be prescribed and in such other contingencies as may be specified in the contract of employment;

(v) such other particulars as may be prescribed.

(c) to furnish in respect of every migrant workman who ceases to be employed, a return in such form and in such manner as may be prescribed, to the specified authority in which shall include a declaration that all the wages and other dues payable to the workman and the fare for the return journey back to his State have been paid.

(2) The contractor shall maintain a pass book referred to in sub-section (1) up to date and cause it to be retained with the migrant workman concerned.

Explanation. — For the purpose of this section and section 13 "specified authority" means such authority as may be specified by the Government in this behalf.

13. Other facilities. — It shall be the duty of the every contractor employing the migrant workman in connection with the work of an establishment to which this Act applied —

(a) to ensure regular payment of wages to such workman;

(b) to ensure equal pay for equal work in respect of sex;

(c) to ensure suitable conditions of work to such workman having regard to the fact that they are required to work in a State different from their own State.

(d) to provide and maintain suitable residential accommodation, portable water supply, and toilet facilities to such workman during the period of the employment.

(e) to provide the prescribed medical facilities to the workman free of charge.

14. Inspectors. — The Government may by notification in the Official Gazette appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(2) Subject to any rules made in this behalf within the local limits for which he is appointed, an inspector may. —

(a) if he has reason to believe that any migrant workman are employed in any premises or place, enter, at all reasonable hours, with such assistants if any, being persons in the service of the Government or any local or any other public authority as he thinks fit, such premises or place for the purpose of —

(i) satisfying himself whether the provisions of this Act in relation to the payment of wages, conditions of service, suitable accommodation, water supply, toilet facilities or other facilities to be provided to such workmen are being complied with;

(ii) examining any register or record or notices required to be kept or exhibited by the provisions of this Act or the rules made thereunder, and requiring the production thereof for inspecter;

(b) examine any person found in any such premises or place for the purpose of determining whether such person is a migrant workman.

(c) require any person giving out work to any workmen, to give any information, which is in his power to give, with respect to the names and addresses of the persons to, for and from whom the work is given out or received, and with respect to the payment to be made for the work.

(d) exercise such other powers as may be prescribed.

(3) Any person required to produce any documents or thing or to give any information required, by inspector under sub-section (2), shall be deemed to be legally bound to do so within the meaning of section 175 and 176 of the Indian Penal Code.

(4) The provisions of the Code of Criminal Procedure, 1973 shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

(5) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

15. Registers and other records to be maintained. — (1) Every principal employer and every contractor shall maintain such registers and records giving such particulars of the migrant workmen employed, the nature of work performed by such workmen, the rates of wages paid to the workmen and such other particulars in such form as may be prescribed.

(2) Every principal employer and every contractor shall keep exhibited in such manner as may be prescribed within the premises of the establishment where the migrant workmen are employed, notices in the prescribed form containing particulars about the hours of work, nature of duty and such other information as may be prescribed.

16. Obstruction. — (1) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Act in relation to an establishment to which, or a contractor to whom, this Act applies, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

(2) Whoever, wilfully refuses to produce on the demand of any inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does any thing which he had reason to believe is likely to prevent any person from appearing before or being examined by any inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

17. Contravention of provisions regarding employment of migrant workmen. — Whoever contravenes any provisions of this Act or of any rules made thereunder regulating the employment of migrant workmen, or contravenes any condition of a licence granted under this Act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one

thousand rupees, or with both, and in the case of continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

18. Other offences. — If any person contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees or with both.

19. Offences by companies. — (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, Secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section—

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

20. Cognizance of offences. — No Court shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing of, an inspector and no Court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Act.

21. Limitation of prosecutions. — No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of the inspector concerned:

Provided that where the offence consists of disobeying a written order made by an inspector complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

22. Protection of action taken under Act. — (1) No suit prosecution or other legal proceedings shall

lie against any registering officer, licensing officer or any other employee of the Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made or issued thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or notification or order made or issued thereunder.

23. Power to remove difficulties. — (1) If any difficulty arises in giving effect to the provisions of this Act the Central Government may, by order published in the Official Gazette make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date on which this Act comes into force.

(2) Every order made under this section, shall, as soon as may be after it is made, be laid before the Legislative Assembly.

24. Power to make rules. — (1) The Government may, subject to the conditions of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following, matters namely—

- (a) the form and manner in which an application for the registration of an establishment may be made under section 4, the fees payable thereon and the form of a certificate of registration issued under that section;
- (b) the form in which an application for the grant or renewal of a licence may be made under section 9 and the particulars it may contain;
- (c) the manner in which an investigation is to be made in respect of an application for the grant of a licence and the matters to be taken into account in granting or refusing a licence;
- (d) the form of a licence which may be granted or renewed under this Act, the conditions subject to which the licence may be granted or renewed, the fees payable for the grant or renewal of a licence and the security if any, required to be furnished for the due performance of the conditions of the licence;
- (e) the circumstances under which licences may be varied or amended under section 10;
- (f) the form and the manner in which appeals may be filed under section 12 and the procedure to be followed by appellate officers in disposing of the appeals;

- (g) the powers that may be exercised by inspectors under section 4;
- (h) the form of registers and records to be maintained, and the particulars and information to be contained, in notices to be exhibited by the principal employers and contractors under section 15;
- (i) the manner of submission of returns, and the forms in which, and the authorities to which, such returns may be submitted;
- (j) legal aid to inter-State migrant workmen;
- (k) any other matter which is required to be, or may be prescribed under this Act;
- (g) the type of accommodation and toilets and water supply to be provided to the migrant workmen.

Statement of Objects and Reasons

There is a continuous inflow of labourers from the neighbouring States in Goa which are absorbed in construction of buildings and other activities. Many of such labourers are not paid adequately nor are provided with adequate accommodation and water supply and they are compelled by circumstances to put up huts in every available open space where they live without proper water supply, toilet facilities and proper drainage system.

The areas where such labourers dwell under slum conditions become the source of infectious diseases which threaten the health of the neighbouring population.

This Bill seeks to provide for regulation of employment of migrant workmen and to provide for their conditions of service by casting a duty on the employers to pay adequate wages and also adequate accommodation, water supply and toilet facilities to such migrant workmen.

Financial Memorandum

Initially a token provision of Rs. 10,000/- may be made as the Act can be implemented with the existing Government machinery for the Labour Department.

Panaji,
6th February, 1991.

LUIZINHO FALEIRO
M. L. A.

Assembly Hall,
Panaji,
11th February, 1991.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

LA/B/3169/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 22-2-91 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure

and Conduct of Business of the Legislative Assembly.

Panaji, 25th February, 1991.

The Goa Old Age Pension Bill, 1991

(Bill No. 2 of 1991)

A

BILL

to provide for the payment of pension as a means of sustenance to old persons:

Be it enacted by the Legislative Assembly of Goa in the forty second year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa Old Age Pension Act, 1991.

2. It extends to the whole of the State of Goa.

3. It shall come into force on such date as the Government may by notification, in the Official Gazette appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Government” means the Government of Goa;

(b) “old person” means a person who has completed the age of 65 years;

(c) “pension” means periodical payment made by the Government for the purpose of providing means of sustenance to old persons;

(d) “prescribed” means prescribed by rules made under this Act.

3. *Persons entitled to old age pension.*—The Government shall grant pension to all the old persons, who apply for its except the persons of the following category or such other category as may be prescribed:—

(a) persons enjoying grant of pension from the Central Government or any State Government or any other local authority, Corporation, private firms, or persons, where such pension is more than the pension fixed under this Act;

(b) persons having an income of more than the pension fixed under this Act;

(c) persons who are entitled for maintenance under any law in force and when such maintenance is more than the pension fixed under this Act;

(d) persons whose only son or any of the sons is carrying more than rupees five hundred per mensem.

4. *Quantum of pension.*—The amount of pension shall be such as may be fixed by a committee to be appointed by the Government.

5. *Revision of pension.*—The pension fixed under this Act may be revised if considered necessary at the end of every five years.

6. *Power to make rules.*—The Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Statement of Objects and Reasons

Old people having no capacity to earn, or being properly maintained otherwise, suffer the most these days because the old family ties and joint family system are breaking under stress of modern civilization. It is not uncommon to find such people living as destitutes and at the mercy of individuals. In accordance with the spirit embodied in the Directive Principles of the Constitution, it is desirable that the Government should make provision for the maintenance of such old people.

This Bill is designed to achieve this purpose.

Financial Memorandum

It is not possible to give the financial implications of the implementation of the Bill as it is not known how many old persons will apply for pension and what will be the quantum of monthly pension.

Panaji
6th February, 1991.

LUIZINHO FALEIRO,
MLA.

Assembly Hall,
Panaji
11th February, 1991

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

LA/B/3170/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 22-2-81 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 25th February, 1991.

The Goa Unemployment Assistance and Self-Employment Scheme Bill, 1991

(Bill No. 3 of 1991)

A

BILL

to provide assistance for the unemployed in the State of Goa and to lay out a scheme for their self employment.

Be it enacted by the Legislative Assembly of Goa in the Forty Second Year of the Republic of India as follows:

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa Unemployment Assistance and Self Employment Scheme Bill, 1991.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions. — In this Act, unless the context otherwise requires,—

(a) "bank" means any nationalised bank;

(b) "family income" means income of the family from all sources including the income of spouse, parents, unmarried brothers and sisters, sons and daughters and other members living in the same house;

(c) "Government" means Government of Goa;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "Unemployment Assistance" means monthly allowance paid by Government under the Act to such of those unemployed persons as are eligible;

(f) "unemployed person" means any person who has passed the S.S.L.C. or equivalent Examination, and having a family income of less than rupees four thousand per annum and whose name has been validly registered in an Employment Exchange in the State of Goa and who has been continuing without any employment on the live register for the preceding three years as on the first day of the year in which the application under this Act is submitted, but excluding students and persons below 18 years and over 35 years of age as on the first day of the said year.

Explanation: — (i) Pass in the S.S.C. or equivalent Examination will not be insisted on in the case of applicants belonging to Scheduled Castes and Scheduled Tribes and Other Backward Classes. Such applicants shall be treated as unemployed persons for the purpose of this Act if they have appeared for the S.S.L.C. or equivalent Examination.

(ii) Applicants who have secured continuous employment for one year or more with or without break, within the above period of 3 years will be excluded. If the employment was for less than one year with or without break, the period of 3 years will be extended by such period.

(iii) For the purpose of this Act "student" shall include students of all Government/Private Institutions as well as those who do not undergo a formal course in any institution but are engaged in private studies.

CHAPTER II

3. Eligibility. — Such of those unemployed persons as coming within the purview of the definition in section 2(d) of this Act shall be eligible for the assistance contemplated in the Act for a period not exceeding four years or for such shorter period as may be specified by the Government from time to time subject to the condition that no such unemployed person who is in receipt of any honorarium, stipend, allowance or ex-gratia payment in excess of rupees two hundred and fifty per month or those who are receiving the benefit of any pension or welfare schemes implemented by the Government shall be eligible for assistance under the Act.

4. Financial Assistance. — Subject to the provisions of section 8, every unemployed person shall be entitled to receive a monthly allowance of rupees two hundred and fifty if he is eligible for assistance under the Act. If any applicant after submitting his application for assistance, secures any employment, no assistance shall be paid to him if the period of such employment covers the whole of the period for which assistance is to be granted during the year concerned. However, in cases of employment for shorter periods assistance eligible after deducting the amount in respect of such period or periods of employment shall be paid to the applicants.

5. Procedure for grant of assistance. — Such of those persons as are qualified for assistance under the Act will present applications in duplicate in the prescribed form to the Collector concerned. On receipt of the application the Collector concerned shall verify the eligibility of the applicants with reference to the records in the Employment Exchange and then cause enquiries to be conducted in respect of such eligible cases by the Secretary of the village panchayats concerned who in turn shall after enquiries record their findings thereon as to the family income and employment status of the applicants and whether he is a student and such other details given in the application. The Collector shall consider the applications after they are returned after enquiry by the Secretary of village panchayat concerned and may either sanction or reject the case according to the merit of each case. List of sanctioned and rejected cases shall be published at the Village Panchayat Office, bank and the Employment Exchange concerned. Before rejecting an application notice shall be given to the affected party who shall file objections, if any, within a period of one month from the date of notice. Such cases shall be disposed by the Collector after giving an opportunity of hearing to the affected party.

6. Appeal. — Any person aggrieved by the order of the Collector shall file an appeal, within a period of two months from the date of the order, to the Secretary, Labour whose decision thereon shall be final.

7. Mode of payment of assistance. — The monthly allowance shall be disbursed in every two months to the eligible beneficiaries through banks selected for the purpose. For this purpose the Collector will intimate the amount required for the particular district to the Commissioner, Labour and Employment. It shall be the responsibility of the Commissioner, Labour and Employment to place at the disposal of the banks concerned every two months, the amount required for all the district with a district-wise break-up of the amount. Banks concerned in turn will disburse the amount of the assistance to the applicants as per the sanctioned list.

8. Requirement to participate in work programmes. — The recipients of the Unemployment Assistance may be required to participate in any work programme specified by the Government for which remuneration, in addition to the unemployment assistance, will be paid to them at the rate to be fixed by the Government from time to time.

9. Maintenance of Accounts. — The banks will render bi-monthly statements of accounts of pay-

ments made under the Act to the Collector who will be the authority responsible for implementation of the Act.

10. Liability of persons receiving assistance.— Any person in receipt of assistance under this Act shall be bound to report forthwith to the banks and Collector concerned the fact of his receiving any employment and financial assistance to him shall thereupon be discontinued forthwith.

11. Refusal to participate in Work Programmes.— In case any person refuses to participate in the Work Programmes as directed by the Government the payment of assistance shall be discontinued and any payment already made will be recovered.

CHAPTER III Self Employment Scheme

12. Eligibility.— An unemployed person as defined in section 2(f) of this Act shall be eligible for the benefit of the self employment scheme contemplated in this chapter:

Provided that the minimum educational qualification prescribed in the said section shall not be applicable in the case of applicants for Self-employment Scheme: and

Provided further that the upper age-limit in respect of such applicants shall be 40 years instead of 35 years as prescribed in the said section.

13. Application for Self-Employment Projects.— An unemployed person who intends to start a self-employment project as contemplated in this Act may apply in the prescribed form in duplicate to the Commissioner, Labour and Employment of his district within the prescribed time limit. Procedure for verification of applications and filing of appeals in this regard shall be the same as prescribed in section 5 and 6 respectively of this Act.

14. Suitability and viability of Projects.— Applications selected after verification in each district shall be placed before the District Level Committee to be appointed by the Government which shall after scrutiny take appropriate decision regarding the suitability of the applicant to undertake the proposed project and the feasibility of the project proposed and the decisions of the committee in this regard shall be final.

15. Help and advance.— It shall be the duty of the Commissioner, Labour and Employment to help the beneficiaries selected under the Act in the successful launching of the self-employment project including help in such matters as procurement of raw materials, provision of know-how and market facilities, imparting of training in necessary skills, etc.

16. Financial Assistance.— Each beneficiary selected under the Act shall be paid a lump sum assistance of rupees six hundred at the initial stage itself, subject to the condition that such beneficiaries shall not be eligible for any further assistance as contemplated under section 4 of this Act. However requests for provision of additional financial assistance after the commencement of the self employment project shall be considered by the Government on merits in each case.

17. Bank Assistance.— The lump sum assistance so received shall be deposited in the bank as seed money by the beneficiaries and the bank shall advance loans upto rupees five thousand per head at the differential interest rate of 4% to such of those beneficiaries whose family income does not exceed rupees three thousand five hundred and at the normal rate of interest to others.

Explanation: In computing the family income of applicants under self-employment scheme the income of unmarried brothers and sisters if any, will not be taken into account.

18. Partnership firms of self-employed person.— In order to start project of relatively large size, the beneficiaries may join together and form partnership firms to enable them to pool their resources and skills. They will be eligible for lump sum assistance and bank loans as in individual cases. The terms of deeds relating to such partnership firms shall be as prescribed by the Commissioner, Labour and Employment.

19. Powers of Control.— The assistance under the Act and the loans from the bank shall be granted both to individual beneficiaries and the partnership firms only subject to the following conditions:—

(i) the project shall be managed in accordance with directions and advice given from time to time by the Commissioner, Labour and Employment and the banks concerned;

(ii) any change, deviation or alteration suggested by the Commissioner, Labour and Employment or the bank shall be carried out forthwith by the beneficiaries;

(iii) the Commissioner, Labour and Employment and the bank shall have power to inspect the working of the project and its accounts at any time as required by them;

(iv) the Commissioner, Labour and Employment and the bank shall exercise such control over the projects as are found necessary in each case.

CHAPTER IV General

20. Penalty for false claims.— Any false information furnished by any applicant in respect of employment status, family income or any other details, or any delay or omission in reporting the fact of receiving employment as provided in section 10 above will entail deterrent penal action such as cancellation of employment registration, debarring from public appointment, recovery of amount already paid, etc.

21. Overall Control.— The Commissioner, Labour and Employment will be in overall charge of the scheme and may issue necessary instructions in regard to its proper implementation from time to time. He may also prescribe such periodical returns necessary for watching its implementation.

22. Savings.— The Government shall have power to make any changes in the scheme or issue any classification in respect of the scheme whenever necessary. The decision of the Government on points of dispute shall be final.

Statement of Objects and Reasons

The number of educated youth waiting for employment under live register maintained by the Employment Exchange is alarming and it goes on increasing day by day. These youths will naturally become frustrated. It is therefore considered necessary to encourage these unemployed by giving some assistance and providing some scheme for their self employment. The Bill proposes to achieve the same. The Bill is based on the scheme existing in Kerala.

Financial Memorandum

It is not possible to assess at this stage the financial implications of the implementation of the Bill as the same will depend on the number of applicants. It is very difficult to work out any statistics at this stage as the eligible persons are to be worked out in accordance with the family income and the age group.

Panaji

LUIZINHO FALEIRO

6th February, 1991.

M. L. A.

Assembly Hall

Panaji

M. M. NAIK

11th February, 1991.

Secretary to the Legislative
Assembly of Goa

LA/B/3116/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 18-2-91 is hereby published for general information in pursuance of the provisions of Rule - 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 20th February, 1991.

The Goa Agricultural Tenancy (Amendment) Bill, 1991

(Bill No. 4 of 1991)

A**BILL**

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows:

1. Short title and commencement. — (1) This Act may be called the Goa Agricultural Tenancy (Amendment) Act, 1991.

(2) It shall be deemed to have come into force with effect from the twenty-first day of November, 1990.

2. Amendment of section 2. — In clause (23) of section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter referred to as the "principal Act"), after the expression "includes a person who is" and before the words "deemed to be a tenant", the words "or was" shall be inserted.

3. Amendment of section 7. — In section 7 of the principal Act, after the expression "any person is" and before the expression "a tenant", the words "or was" shall be inserted.

Statement of Objects and Reasons

The Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Act, 1976 has conferred the ownership rights on the cultivating tenants with effect from the appointed day i.e. 20/4/1976. Therefore, the present status of the then tenants is that they have become deemed purchasers of the land they were cultivating, with effect from the appointed day. However, there may be many cases wherein the issue of tenancy is yet to be decided in respect of the cultivating tenants. In such cases the Mamlatdar had no authority to decide the issue of tenancy between the landlord and the deemed purchaser, as under the existing provisions of the Act, 1964, the Mamlatdar could decide as to who is a tenant but not as to who was a tenant.

In order to obviate this difficulty, sections 2 and 7 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 are sought to be amended.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji

RAVI NAIK

6th February, 1991.

Chief Minister

Assembly Hall

M. M. NAIK

Panaji

Secretary to the Legislative

11th February, 1991.

Assembly of Goa

(Annexure to Bill No. 4 of 1991)**The Goa Agricultural Tenancy (Amendment) Bill, 1991**

The Goa, Daman and Diu Agricultural Tenancy Act, 1964.

(Act 7 of 1964)

Section 2. In this Act, unless there is anything repugnant to the subject or context —

Clause (23) "tenant" means a person who on or after the date of commencement of this Act holds land on lease and cultivates it personally and includes a person who is deemed to be a tenant under this Act;

Section 7. Questions of tenancy.— If any question arises whether any person is a tenant or should be deemed to be a tenant under this Act the Mamlatdar shall, after holding an inquiry, decide such question.

In any such enquiry, the Mamlatdar shall presume that any statement as to the existence of a right of tenancy in a record of rights prepared in the prescribed manner under and in accordance with the provisions of this Act, is true.

Assembly Hall

M. M. NAIK

Panaji

Secretary to the Legislative

11th February, 1991.

Assembly of Goa

LA/B/3116/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 18-2-91 is hereby published for general information in pursuance of the provisions of Rule - 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 20th February, 1991.

The Goa Land Use (Regulation) Bill, 1991

(Bill No. 5 of 1991)

A

BILL

to provide for regulation of use of agricultural land for non-agricultural purposes.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa Land Use (Regulation) Act, 1991.

(2) It extends to the whole of the State of Goa.

(3) It shall be deemed to have come into force with effect from the 2nd day of November, 1990.

2. *Regulation of use of land.*—Notwithstanding anything contained in the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), or in any plan or scheme made thereunder, or in the Goa Land Revenue Code, 1968 (Act 9 of 1969), no land which is vested in a tenant under the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) shall be used or allowed to be used for any purpose other than agriculture.

Explanation:—The expression “agriculture”, “land” and “tenant” shall have the same meaning assigned to them under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964).

3. *Exemption.*—The provisions of this Act shall not apply to acquisition of any land vested in a tenant under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) by the State for a public purpose under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

Statement of Objects and Reasons

The Supreme Court by its Judgement and Order dated 23-7-1990 has allowed the appeal filed by this Government and has set aside the order of the then Judicial Commissioner's Court under which the Goa, Daman and Diu Agricultural Tenancy (5th Amendment) Act, 1976 was declared unconstitutional. In the said judgement, a reference is also made to the affidavit filed by this Government that tenanted lands would not be alienated or converted for non-agricultural purpose. Instances have come to the notice of the Government wherein large number of tenanted agricultural lands are being converted for non-agricultural purposes thereby defeating the very purpose of maintaining lands for cultivation. This Bill seeks to prohibit conversion of tenanted agricultural lands for non-agricultural purposes.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji

RAVI NAIK

6th February, 1991.

Chief Minister

Assembly Hall

M. M. NAIK

Panaji

Secretary to the Legislative

11th February, 1991.

Assembly of Goa